

REMARKS

Applicant has carefully considered the Office Action dated March 21, 2005 and the references cited therein. Applicant provides this amendment in a sincere effort to place the application in condition for allowance. Accordingly, reconsideration is respectfully requested.

In the Office Action, it is noted that Claims 1-12, 18-22, 29-33 have been withdrawn from consideration as being directed to a non-elected invention. Applicant has therefore cancelled these claims without prejudice.

Applicant has amended Claims 13 and 23 to more particularly define the invention.

Claims 13-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,256,968 to Kristen ("Kristen"). The Office Action contends that Kristen discloses a vacuum packaging appliance including a base defining a vacuum chamber for receiving an open end of a container and coupled to a vacuum source. The Office Action further contends that the trough is a separate element than base 24; and therefore, it is removable as shown in the exploded view Figure 2.

Applicant respectfully traverses this rejection under §102(b). Applicant respectfully submits that the cited reference fails to disclose a trough which is removable from the base as defined in Claim 13. Nowhere in the specification of Kristen is there an indication that the trough is removable from the base. Figure 2 relied upon in the Office Action is described as an exploded view of the vacuum packaging apparatus. The various parts are exploded for illustration purposes, there is no teaching that the trough 30 is removable from the base as defined by Claim 13.

Furthermore, in Figure 4, the trough 30 is shown to be disposed underneath a portion of the base adjacent to the reference number 44. Such engagement would prevent the trough from being removed. Moreover, the trough is formed in a section of the base along with various other

features as shown in Figure 2. There is no indication or teaching that the trough is removable from these portions of the base.

In addition, the removable trough of the present invention functions to capture contaminants and liquid removed from the container. The trough is removable to allow it to be cleaned. The trough of Kirsten, which is formed in the base and is not removable therefrom would not permit the trough to be removed to clean the contaminants.

Accordingly, applicant respectfully submits that Claim 13, and those claims depending therefrom, patentably distinguish over the references of record.

Claim 23 has been rejected under 35 U.S.C. §102(b) as being anticipated by Kirsten or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Kirsten in view of applicant's admitted prior art. The Examiner contends that Kirsten does not directly disclose capturing contaminants in the trough. However, the trough 30 would inherently catch any contaminants present. The Examiner has also relied on the specification of the present application at page 3, paragraph 7 for this feature.

Applicant respectfully traverses this rejection of obviousness. Claim 23 includes a step of inserting a removable trough into the vacuum appliance and a further step of capturing some of the contaminants in the removable trough. As set forth with respect to Claim 13, Kirsten does not teach or suggest the use of a removable trough. The trough is built into the base and cannot be removed.

Accordingly, applicant respectfully submits that Claim 23, and those claims depending therefrom, patentably distinguish over the references of record.

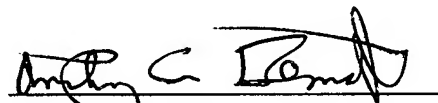
In the Office Action the Examiner has indicated that Claims 24 and 25 contain allowable subject matter and would be allowed if rewritten in independent form. Applicant gratefully acknowledges this indication of allowable subject matter.

Applicant has further added new Claim 34, which includes the elements of original claims 23 and 24. In that this combination of claims has been deemed allowable, applicant respectfully submits that new Claim 34 patentably distinguishes over the references of record.

As a result of this amendment and the remarks set forth above, applicant respectfully requests favorable reconsideration of Claims 13-17, 23-28, consideration of new claim 34, and allowance of the application with Claims 13-17, 23-28, and 34.

If the Examiner believes that a telephone interview would be helpful in moving the case towards allowance, he is respectfully invited to contact Applicant's attorney at the number set forth below.

Respectfully submitted,



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